

SEP 15 2005

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DONELL J. BLOUNT, SR.,
Plaintiff,

v.

GENE M. JOHNSON, et al.,
Defendants.

Civil Action No. 7:04CV00429

ORDER

By: Hon. Glen E. Conrad
United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

as follows:

1. The plaintiff's objection to the magistrate judge's Report and Recommendation is **SUSTAINED**;
2. The defendants' motion for summary judgment is **DENIED** with respect to the plaintiff's excessive force claim;
2. The opinion and order entered on June 28, 2005 is **VACATED** in part; and
3. The defendants shall have thirty (30) days to file a motion for summary judgment addressing the merits of the plaintiff's remaining claims.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the plaintiff and counsel of record for the defendants.

ENTER: This 14th day of September, 2005.

Glen E. Conrad

United States District Judge